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EPA, DNREC Reach Settlement With DuPont Corp. For Water Quality Violations

Release Date: 11/10/2011

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DOVER (Nov. 10, 2011) – The Delaware Department of Natural Resources and Environmental Control, the US Environmental Protection Agency, and state and federal Departments of Justice have entered into a consent decree with the DuPont Corp. in which the company has agreed to pay a penalty of \$500,000 for numerous violations of the DuPont Edge Moor plant site's National Pollutant Discharge Elimination System (NPDES) permit and other state and federal regulations.

Many of the violations at the facility – which makes a white pigment from titanium used in the print and publishing industries – were pollutant discharges into the Delaware River that occurred between 2005 and 2011. All of the violations, including state and federal Clean Water Act noncompliance, are covered in the consent decree signed with DNREC and EPA. DNREC first issued a notice of violation to DuPont in April 2008 for numerous effluent discharges that exceeded permit limits and for violations of other general NPDES permit conditions that were not met.

"We must be ever vigilant in protecting the Delaware River," said DNREC Secretary Collin O'Mara. "Through this consent order, DuPont has committed to addressing past discharges while taking steps to meet future challenges in an effort to ensure that the river's water quality continues to improve."

EPA Regional Administrator Shawn M. Garvin agreed that the DuPont penalty as agreed to in the settlement was of major environmental significance. "We're taking an important step forward in protecting and preserving the vital resources and recreational opportunities that the Delaware River provides," Mr. Garvin said. "This settlement will improve water quality for all who enjoy and depend upon the river."

In addition to the penalty levied through the consent decree, DuPont has agreed to undertake an environmental compliance assessment, to be completed within 15 months, and develop a plan that must include a schedule for implementing and completing each corrective action to reduce the risk of future wastewater violations at the facility. EPA, in consult with DNREC, will then determine if the plan is to be approved.

Beyond this assessment, DuPont must also demonstrate that it's implementing the facility's stormwater pollution prevention plan (SWPPP) by submitting stormwater inspection reports to EPA for the duration of the consent decree.

Some of the more serious violations by DuPont were the discharges of hydrogen chloride, titanium tetrachloride and iron chloride into the Delaware River. Other violations include the discharges of ores, and overflow from the Edge Moor facility's wastewater treatment plant's neutralizers and clarifiers into the Delaware River.

Additionally, the DuPont Edge Moor plant's NPDES permit violations included noncompliance with maximum concentration and loading limits for total suspended solids, pH, iron, visible foam, unpermitted discharges of "non-storm water" through storm water only outfalls, storm water best management practices, unpermitted discharges of contaminated storm water, and various violations of general permit conditions and requirements of the various outfalls.

DNREC also noted that effluent violations from this facility added excess volumes of pollutants discharged into the Delaware River in the form of solids, organics, metals, and potentially harmful pH levels to the state's surface waters, and has contributed to impairment of the state's waterways.

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